

REMARKS**Double Patenting**

In the Office action dated May 3, 2004, the Examiner provisionally rejected claims 1, 8-11, and 16-20 under the judicially created doctrine of obviousness-type double patenting in light of claims 1-28 from co-pending Application Serial No. 09/929,237. That rejection is traversed. None of the claims from the co-pending application recite a control system configured to detect a dangerous condition "by imparting an electric signal to the blade and monitoring the electric signal for at least one change indicative of the dangerous condition," as required by claim 1. Accordingly, claim 1 cannot be obvious in light of the co-pending claims. Claims 8-11, 16, 17 19 and 20 include similar limitations and therefore those claims cannot be obvious in light of the co-pending application.

Applicant is also canceling without prejudice claims 10 and 24 from the co-pending application, which are the only claims that mention a control system configured to disable a brake when a cutting tool is not moving. None of the remaining claims in the co-pending application teach or suggest such a control system. In contrast, pending claim 1 in the present application requires a control system "configured to determine if the blade is moving, and configured not to trigger the brake mechanism if the blade is not moving." Claims 8-11 and 16 in the present application require "a motion detection system adapted to detect motion of the working portion and to disable the reaction system when the working portion is not moving." Claim 17 requires "a detection system adapted to detect a dangerous condition between a person and the working portion by imparting an electric signal to the working portion and monitoring the electric signal for

at least one change indicative of the dangerous condition during a defined period of time after the motor has been turned off." Claim 19 requires a control system "adapted to trigger the brake system if the dangerous condition is detected during coast-down of the cutting tool after the motor is turned off." Claim 20 requires "means for detecting motion of the working portion and for disabling the reaction mechanism when the working portion is not moving." None of the remaining claims from the co-pending application teach or suggest any of the above-identified limitations from the currently pending claims and therefore the double-patenting rejection is now moot.

Applicant points out that claims 1, 8-11, 16, 19 and 20 should now be allowable because the only rejection against those claims was the provisional obviousness-type double patenting rejection. There is no outstanding prior art rejection against those claims.

35 USC §102

The Examiner rejected claim 17 under 35 USC §102(b) as anticipated by U.S. Patent No. 3,858,095 to Friemann et al. That rejection is traversed. Nevertheless, applicant has amended claim 17 to specify that the detection system is adapted to detect a dangerous condition "during a defined period of time after the motor has been turned off." Nothing in Friemann shows or discusses any system capable of detecting a dangerous condition after the motor has been turned off. In fact, when a user switches off the power to the motor in Friemann's system, the power is also switched off to Friemann's protective circuit. (Column 3, line 35 to column 4, line 17.) Moreover, Friemann does not even discuss the benefit of detecting contact during coast down of

the blade. Thus, Friemann does not anticipate amended claim 17 and claim 17 should now be allowable.

35 USC §103

The Examiner rejected claim 18 under 35 USC §102(b) as anticipated by U.S. Patent No. 3,785,230 to Lokey, or in the alternative, under 35 USC § 103(a) as obvious over Lokey. That rejection is traversed. Nothing in Lokey shows or suggests "a detection system adapted to detect contact between a person and the cutter" or a control system "adapted to trigger the brake system only if the cutter is moving." The Examiner says it would have been obvious for the brake of Lokey to function during coast down of the blade, but Lokey does not suggest such a system nor does Lokey give any teaching how to build such a system. Nevertheless, applicant has cancelled claim 18 without prejudice in order to place the application in a condition for allowance. Applicant reserves the right to pursue claim 18 or a similar claim in this or some other application.

Withdrawn Claims

Claims 2-7 and 12-15 were withdrawn from consideration in light of a restriction requirement. Those claims should now be reinstated because they depend from allowable claims.

Conclusion

In light of the amendments and remarks set forth herein, claims 1-17, 19 and 20 all should be allowable, and applicant requests that the present application proceed to issuance. Please telephone the undersigned with any questions.

Respectfully submitted,

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I hereby certify that this correspondence and its accompanying attachment are being facsimile transmitted to the U.S. Patent and Trademark Office, Attention: Examiner Boyer D. Ashley, Group Art Unit 3724, to facsimile number: (703) 872-9306 on August 2, 2004.


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